

Sheryl E. Fei ch.

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January __, 2007

Professional Standards Unit
Palm Beach Police Department
345 South County Road
Palm Beach, Florida 33480

Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, Florida 32302-1489

Detective Joseph Recarey/ID No: 7915

Dear []:

We write to request an investigation of the actions of Palm Beach County Detective Joseph Recarey ("Recarey") in the investigation of Jeffrey E. Epstein ("Epstein"). Detective Recarey's conduct of the investigation; his presentation of the investigation to the State Attorney; and his conduct subsequent to the bringing of charges against Epstein warrant disciplinary action.

As more fully set out below, the misconduct of which we are aware and for which Detective Recarey should be disciplined falls into the following categories:

- Significant and material omissions of facts known by Detective Recarey that were omitted from the Police Report and/or Probable Cause Affidavits, which facts if known would have had and ultimately did have a material impact on the decision whether and how to proceed.

- Significant and material misstatements of fact, which misstatements were consistently slanted to support a finding of probable cause.
- The public release to the press of the Police Report and Probable Cause Affidavits, all of which contained material omissions of fact and material misstatements of fact, and which release was done to cause harm to Epstein and to influence state and federal prosecutorial authorities.

Below we set out some of the most significant of these actions. Provided herewith is an Appendix containing the underlying documents to which we refer. Tab numbers correspond to the section (I or II) and paragraph number.

I. Inaccuracies and Material Omissions

1. The Video Surveillance Equipment

Both the Police Report (at 43) and the Probable Cause Affidavits (at 18) make particular mention of the “discovery” of video surveillance equipment (or “covert (hidden) cameras” as they are called) in Epstein’s garage and library/office. Inclusion of this information insinuates a link between the equipment and the events at issue: the Probable Cause Affidavits note that “on the first floor of the Epstein residence . . . [Recarey] found two covert cameras hidden in clocks. One was located in the garage and the other located in the library area behind Epstein’s computer. . . . the computer’s hard drive was reviewed which showed several images of Haley Robson and other witnesses interviewed. All of these images appeared to come from the camera positioned behind Epstein’s desk”. (Probable Cause Affidavits at 18).

events are described by [REDACTED]. Detective Recarey cites [REDACTED] to support a claim that displayed in the house were photos of [REDACTED] and Marcinkova having sex. That is contradicted by the recording

[REDACTED] Detective Recarey also reported that [REDACTED] stated that on one occasion she "continued rubbing his legs, thigh, and feet. . . . [and then Epstein] turned over onto his back. She continued to rub his legs with oils. Epstein touched her breasts and began to masturbate". (Police Report at 40). That "episode" appears to be synthesized from reports of two separate incidents. However, concerning neither did [REDACTED] make mention of rubbing Epstein's legs, thighs, and feet or of Epstein turning over onto his back. Nor did she allege that Epstein masturbated while touching her breasts. Detective Recarey also claims (Police Report at 40) that during the sworn statement [REDACTED] said "Epstein had purchased [Marcinkova] from her family in Yugoslavia . . . [and] bragged he brought her to the United States to be his Yugoslavian sex slave". No such statement is made by [REDACTED], who refers to Marcinkova as Epstein's "girlfriend" and refers offhandedly to other women in the home as "slaves".

Nor did Detective Recarey include [REDACTED] admission that on one occasion she engaged in sexual conduct with Epstein's girlfriend as a birthday "gift" to Epstein. Neither is attention paid in the Probable Cause Affidavits of the fact that [REDACTED] maintained a MySpace webpage in which she admitted to various criminal and dishonest acts, including creating false references for her work and her extensive drug use.¹ Nor does Detective Recarey include that [REDACTED] refused to discuss the disposition of the thousands of dollars she said she was given by Epstein. (Transcript at 31). Or that she falsely claimed not to use drugs (*id.*) despite her MySpace entries that scream "I can't wait to buy some weed!!!!!!". Finally, Recarey knew that [REDACTED] was not to be believed when she claimed she had been given a car by Epstein because when preparing the Probable Cause Affidavits

¹ A fleeting reference can be found in the Police Report (at 67), however, her marijuana use is only generally noted and no mention is made of her other admitted or proven dishonest conduct, including the report of her thefts from her employer.

Recarey was in possession of the two month rental agreement, contradicting [REDACTED] statements. Yet [REDACTED] fanciful claim that she was given a car appears in the Police Report, without reference to the fact that Recarey knew that to be untrue. Nor is the evidence that she engaged in multiple thefts from her retail employer included.

3. Sworn Statement of Juan Alessi. The Police Report and Probable Cause Affidavits detail information purportedly obtained by Detective Recarey from Juan Alessi, a former Epstein house manager. The statement was recorded by a stenographer. A comparison of the transcript and the Police Report and Probable Cause Affidavits reveal significant differences. Detective Recarey reports that "Alessi stated that towards the end of his employment, the masseuses were younger and younger". (Police Report at 57). Alessi actually stated that for the most part the masseuses did **not** appear young. (Transcript at 9). Alessi further declared that only "one" girl was young and in his judgment she looked "16 or 17". (*Id.*).

Detective Recarey also notes (Police Report at 57) that Alessi claimed "the bed would almost always have to be made after the massage". This statement is directly contradicted by other witness statements, which are devoid of any accusation by any woman that any activity ever occurred on the bed. Indeed, Alessi himself actually stated that on a "few" occasions the bed was unmade after a massage, suggesting Epstein may have taken a nap. (Transcript at 11-12). Alessi further explained that even in the absence of a massage he could be called upon to make Epstein's bed three or four times a day, (*id.*), thus providing an innocent explanation for the frequent bed making. It was in fact Detective Recarey who suggested that "something else occurred", and even then, Alessi insisted he did not know of "something else": ". . . or something else, I cannot [say]". (*Id.*).

There is also no mention of Alessi's burglary of the Epstein residence; his theft of cash and possible theft of a gun; or of Alessi's suicidal ideations, all of which made him an unreliable witness.

4. **Broken "Sex Toys" in Epstein's Trash.** The Police Report details the police "discovery" in Epstein's trash of what is described as pieces of "sex toys" and makes the point that these materials corroborate witness statements. Omitted from both the Police Report and the Probable Cause Affidavits is the fact that during the course of executing the search warrant on Epstein's home, the police realized that a key "sex toy" was in fact the entirely innocent broken handle of a salad server. Though the "sex toys" play a prominent role in the Police Report and Probable Cause Affidavits, the Police Report was never amended to reflect the discovery of this new and highly relevant evidence.

5. **Polygraph Examination and Report.** The State Attorney was provided with a report of a polygraph examination of Epstein and the polygraph examiner was subsequently interviewed by the State Attorney. The polygraph exam focused on the allegations being made with respect to [REDACTED]. The report confirmed that (a) no sexual conduct occurred; (b) Epstein never threatened [REDACTED] (c) [REDACTED] told Epstein she was 18 years old; and (d) Epstein believed [REDACTED] was 18 years old. Though these results were provided to the Police Department and Detective Recarey was given an opportunity to meet with the polygraph examiner, after confirming that he would attend he inexplicably failed to appear or to send a representative in his place. No information concerning the fact of the exam appeared in the Police Report or the Probable Cause Affidavits.

6. **Meetings with the State Attorney.** Attorneys for Epstein provided other information to the State Attorney, as well. Though clearly material, virtually none of it was included in the Police Report. For example, at the meeting at which the polygraph expert was made available for questioning, the psychiatrist who conducted a psycho-sexual examine of Epstein (and who concluded he was healthy) was also made available to discuss his evaluation. Also provided at the meeting was information concerning [REDACTED] MySpace website profile, including her false representations that she was 18 and nude and otherwise provocative photos that she chose to use to represent herself to the public. After

initially saying he would be present, Detective Recarey failed to attend or to send a substitute.

II. Unreported Criminal Histories and Other Factors Bearing on Credibility of the Witnesses

Virtually every witness relied on to support the Police Report and the Probable Cause Affidavits had a background that raised questions as to whether his or her testimony could support a finding of probable cause, let alone sustain what would be the State's burden of proof at a trial. (Indeed, nearly all the witnesses, and certainly those deemed complainants, were friends, which undermines any argument that one witness corroborates another). Though this evidence was given to Detective Recarey, none of it was included in the Police Report, the Probable Cause Affidavits, or released to the public.

1. **Juan Alessi**: former Epstein employee, terminated for cause; found stealing money from Epstein; suspected of stealing a gun from Epstein's home that was never recovered in order to commit suicide; repeatedly burglarized Epstein's home.

2. [REDACTED] father; he had a federal fraud conviction, which was uncovered and turned over to the Detective Recarey during the course of the investigation. [REDACTED] served 21 months in federal prison for his offense. This raised questions about the motives in reporting the events.

3. [REDACTED] stepmother; she had a state conviction for identity fraud – criminal use of identification information. This information was uncovered and turned over to Detective Recarey during the course of the investigation and similarly raised questions about the motives in reporting the events.

4. [REDACTED] a potential victim; she had pending charges for possession of marijuana and drug paraphernalia; she "came forward" as a result of her arrest; she admitted on her MySpace webpage to multiple and frequent drug

use, lying to get her job and lies about the reason for her termination; a written report detailing her multiple thefts from a former employer; parts of her story were inherently incredible; she made false statements about having been given a car by Epstein; and she refused to state the disposition of the money paid to her by Epstein.

5. [REDACTED] a potential victim; she had multiple runaway complaints lodged by her parents and was assigned to a special high school for drug abusers; she published false representations that she was 18 on her MySpace webpage, along with nude photos of herself, boasts about having beaten someone, details of her drug use and a claim that she was earning in excess of \$250,000/year. Nor is there reference to the fact that police had recently responded to a complaint at her home to find her "under the influence of a narcotic".

The State Attorney relies on the professionalism, the integrity and the skill of members of the Palm Beach Police Department to conduct investigations and to report all material facts fairly and accurately. That is essential so that prosecutors can make charging decisions consistent with the facts, the law, the appropriate allocation of limited resources and public policy. If police officers hide facts, misstate evidence, or otherwise fail to provide prosecutors with all material information then justice cannot be served. It is our unfortunate but unmistakable conclusion that Detective Recarey failed to discharge his duty in this matter. Moreover, his decision to release to the public the Police Report and Probable Cause Affidavits, particularly when they contained material omissions and misstatements of fact, was intended to harm Epstein, ill served the criminal justice system, and ultimately failed the people of Palm Beach County.

We are prepared to provide any other information you may need in

Professional Standards Unit
Palm Beach Police Department
January __, 2007
Page 9

investigating this matter. If you have any questions, please do not hesitate to call.

Very truly yours,